

REMARKS

I. INTRODUCTION

In response to the Office Action dated July 21, 2005, please consider the following remarks. Claims 45-60 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. STATUS OF CLAIMS

Claims 45-60 are pending in the application.

Claims 45-60 were rejected under 35 U.S.C. §102(b) as being obvious in view of U.S. Patent No. 6,072,983 to Klosterman, and these rejections are being appealed.

III. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

IV. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 45-60 are patentable under 35 U.S.C. § 102(b) over U.S. Patent No. 6,072,983, issued to Klosterman (hereinafter, the Klosterman reference).

V. GROUPING OF CLAIMS

The rejected claims do not stand or fall together. Each claim is independently patentable. Separate arguments for the patentability of each claim are provided below.

VI. ARGUMENTS

A. The Independent Claims Are Patentable Over The Prior Art

1. The Klosterman Reference

U.S. Patent No. 6,072,983, issued June 6, 2000 to Klosterman discloses a scheme for margin television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television

schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

2. Independent Claims 45, 51, and 55 are Patentable Over the Klosterman Reference

With Respect to Claims 45 and 55: Claim 45 recites:

In a system comprising a legacy network broadcasting a first signal to legacy receivers and non-legacy receivers on a plurality of service channels described by a plurality of service channel identifiers, the first signal including a first set of programs, and a non-legacy network broadcasting a second signal to the legacy receivers and the non-legacy receivers on the plurality of service channels described by the plurality of service channel identifiers, the second signal including a second set of programs, a method of providing program guide information to the legacy receivers and the non-legacy receivers, comprising the steps of:

transmitting first program guide information describing the first set of programs from the legacy network to the legacy receivers on a first service channel of the plurality of service channels and from the legacy network to the non-legacy receivers on a second service channel of the plurality of service channels; and transmitting second program guide information describing the second set of programs from the legacy network to the non-legacy receivers on a third service channel of the plurality of service channels.

The above claim recites the notion of legacy and non-legacy receivers and networks. The Klosterman reference does not describe or teach the notion of legacy and non-legacy receivers. On this basis alone, claim 45 is patentable over Klosterman under 35 U.S.C. § 102(b).

The Office Action analogizes the legacy and non-legacy elements of claim 45 to Klosterman as follows:

Claim 45	Klosterman
legacy network	CATV/DBS
legacy receiver	Cable Box 26
non-legacy network	Not Indicated (DBS?)
non-legacy receiver	IRD Box

However, these analogies are inappropriate, for three reasons. First, there is no "CATV/DBS" source. Klosterman describes a cable source and a DBS source, but they are not the

same source. Second, the IRD box and Cable Box of the Klosterman reference may be *different* receivers, but they do not have a *legacy* relationship between one another, a relationship well understood by those of ordinary skill in the art and described in the Applicants' specification. Third, the preamble of the Applicant's disclosure recites a structure which is clearly not disclosed in Klosterman under the Office Action's paradigm. Substituting "CATV network" for the "legacy network", a "cable box" for the "legacy receiver," "DBS" for the "non-legacy" network and IRD box for the non-legacy receiver results in the following:

In a system comprising a CATV NETWORK broadcasting a first signal to CABLE BOXES and IRD BOXES (no network transmits one signal to both cable boxes and IRD boxes) on a plurality of service channels described by a plurality of service channel identifiers (no network broadcasts information on the same plurality of service channels described by service channel identifiers), the first signal including a first set of programs, and a DBS NETWORK broadcasting a second signal to the CABLE BOXES and the IRD BOXES (no second network that transmits a single signal both to cable boxes and IRD boxes) on the plurality of service channels described by the plurality of service channel identifiers, the second signal including a second set of programs, a method of providing program guide information to the legacy receivers and the non-legacy receivers, comprising the steps of ...

The Office Action argues:

... note that each source transmits program guide information or television schedule data on separate channels, which includes other transmission medium, such as dedicated twisted pair telephone line and the cable Box 26 or the IRD Box 28 receives the EPG accordingly.

The Applicant thanks the Examiner for this clarifying statement, and acknowledges that the Examiner's duty to interpret the claims broadly for prosecution purposes. However, this interpretation is inconsistent with the preamble claim 45, which recites that the first and second service channels are broadcast on the same signal (e.g. the first signal includes the first and second service channel and the second signal includes the first and second service channels). Separate channels cannot include "other transmission medium" unless they are transmitted on the same signal.

Finally, referring now to the body of claim 45,

transmitting first program guide information describing the first set of programs from the legacy network to the legacy receivers on a first service channel of the plurality of service channels and from the legacy network to the non-legacy receivers on a second service channel of the plurality of service channels; and

transmitting second program guide information describing the second set of programs from the legacy network to the non-legacy receivers on a third service channel of the plurality of service channels.

Turning to the first phrase, Klosterman teaches a first network transmitting first program guide information describing a first set of programs to a receiver and a second network transmitting second program guide information describing a second set of programs to the receiver. The receiver then merges the program information from both sources.

The Office Action has indicated that "channels" refer to separate transmission media. Since the first phrase indicates sending the program guide information on a first channel and a second channel, this would indicate that Klosterman discloses one network transmitting program guide information over two different transmission media to the same receiver. The Applicants can ascertain no such disclosure in Klosterman. Further, this would also require that the second set of programs *also* be transmitted on a third transmission media as well. This is likewise not disclosed in Klosterman.

Because Klosterman fails to disclose the other features recited in the preamble and body of claim 45, including at least, the notion of legacy and non-legacy receivers and networks, the Applicants respectfully suggest that the rejection under 35 U.S.C. § 102(b) should be reversed.

Claim 55 recites features analogous to those of claim 45 and is patentable for the same reasons.

With Respect to Claim 51: Claim 51 recites:

A system, comprising:

a legacy network broadcasting a first signal to legacy receivers and non-legacy receivers on a plurality of service channels described by a plurality of service channel identifiers, the first signal including a first set of programs; and

a non-legacy network broadcasting a second signal to the legacy receivers and the non-legacy receivers on the plurality of service channels described by the plurality of service channel identifiers, the second signal including a second set of programs;

wherein the first signal comprises

first program guide information describing the first set of programs transmitted to the legacy receivers on a first service channel of the plurality of service channels and first program guide information describing the second set of programs transmitted to the non-legacy receivers on a second service channel of the plurality of service channels; and

second program guide information describing the second set of programs transmitted to the non-legacy receivers on a third service channel of the plurality of service channels.

Like claim 45, claim 51 recites legacy and non-legacy receivers and networks, as well as a particular signal and channel structure not disclosed in the Klosterman reference. Claim 51 is accordingly patentable over Klosterman under 35 U.S.C. § 102(b) as well.

B. The Dependent Claims Are Patentable Over The Prior Art

1. Dependent Claims 46-50, 52-54 and 56-60 are Patentable Over the Klosterman Reference

Dependent Claims 46-50, 52-54, and 56-60 each recite the features of independent claims 45, 51, and 55, respectively, and are patentable on that basis alone. In addition, each of these claims recites features not disclosed in Klosterman.

The Office Action does not indicate where the features of claim 47 might be found in Klosterman. Accordingly, the Applicants respectfully traverse.

Claim 48 recites that the second non-legacy network (which the Office Action analogizes to another of a multiple of satellites) broadcasts a third signal to both the legacy and non-legacy receivers, and that the third signal includes a third set of programs. The claim also recites that the second program guide information (which the Office Action analogizes to EPG-2) further describes the third set of programs. In support of this proposition, the Office Action offers the following excerpt:

FIG. 3 is an example of an on-screen display of a schedule grid guide that has been assembled from the television guide information. The grid guide of the present invention also refers to and includes theme guides, channel guides, and other guides which display program information. In the preferred embodiment, after coordinator 20 has collected and sorted all the available program guide information, coordinator 20 generates the grid guide set forth in FIG. 3 for display on television 22. This grid guide can also be generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc. The grid guide, designated generally with the reference numeral 50, provides a line up of all channels or a selection of channels 52 along with a description of the shows 54 available on those channels at certain times 56. For example, channel 2 58 has BATMAN 60 as a show from 1:00 p.m. to 2:00 p.m. and SOAP 62 as a show from 2:00 p.m. to 2:30 p.m. A theme, or channel, or random, etc. listing can be used instead of the grid guide shown in FIG. 3.

If a grid guide is used, the lineup of channels 52 can be arranged such that (1) channels are in numerical and/or alphabetical order, or (2) channels are in an order associated with their particular source, or (3) channels are in a mixed order programmed by a user, or (4) channels are in any other arrangement. When multiple sources are used for receiving television channels, an overlap of channels sometimes occurs. For example, both cable and DBS may carry the network ABC, but cable may have ABC on channel 6 and DBS may have ABC on channel 7. By having the ability to delete and activate the channels displayed in grid guide 50, the user can determine whether to have one of the ABC channels, both of the ABC channels, or neither of the ABC channels. The user's choice is entered into coordinator 20 via remote control 32. In an alternative embodiment, coordinator

20 may automatically note duplicate network names and delete one of the duplicates. In addition, coordinator 20 is capable of automatically lining up channels based on user's habits. If this mode for the automatic arrangement of channels is selected by the user, an algorithm based on user habits is used to determine the channel order 52. Therefore, any desired arrangement for the lineup of channels 52 is available. (col 7, lines 1-42)

The Applicants do not believe the foregoing discloses the transmission of second program guide information that describes both a second set of programs transmitted on a second signal and a third set of programs transmitted on a third signal. Indeed, Klosterman teaches the transmission of separate program guides from separate sources, and combining them at the receiver ... essentially teaching away from these features.

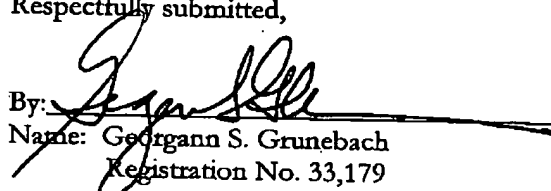
Claims 49-50 are likewise not disclosed in Klosterman. Nothing in Klosterman suggests transmitting a message to a subset of the receiver stations at all, let alone one based on a subscriber service preference.

The rejection of claims 51-54, 55-58, and 59-60 is improper for analogous reasons.

VII. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

By: 
Name: Georgann S. Grunebach
Registration No. 33,179

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The DIRECTV Group, Inc.
RE/R11/A109
2250 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245

Telephone No. (310) 964-4615